

Application Number : 10/666,515  
Applicant : Mikhail A. Dmitriev  
Filed : 18 September 2003  
TC/A.U. : 2191  
Examiner : Wang, Rongfa Philip

Confirmation Number: 9178

Proposed Amendment via Fax (571)273-5934

Dear Examiner Wang,

In light of the Office Action mailed on **28 November 2007**, we would like to discuss the claim rejections based on 35 USC §112, second paragraph, and 35 USC §103.

Regarding the 103 rejection, please consider the amendment to claim 1 listed on the attached page and the remarks below. Applicant respectfully points out that Beck, Almy and Hall do not teach calibrating the execution time of the instrumentation code in isolation by putting multiple copies of instrumentation code inside each loop.

Embodiments of the present invention calibrate the execution time of the instrumentation code in isolation by putting **multiple copies** of instrumentation codes inside each loop (see par. [0094] of the instant application). Because additional overhead caused by the operations performed on the “for” loop is ignored, putting multiple copies of the instrumentation code in each loop can make this overhead smaller in comparison with the case when only one copy of the instrumentation code is included in the loop. (see par. [0094] of the instant application).

In contrast, Almy uses a test case program including a series of test points, **one BEGIN CLOCK**, and **one END CLOCK** (see col. 3, ll. 37-59 of Almy). Almy’s system runs the test case sequence by removing one test point at a time (see col. 3, ll. 37-59 of Almy). Examiner avers that Almy discloses measuring the overhead time in isolation by stating, “*when there is no control instruction test points is the overhead*” (see page 4, 3<sup>rd</sup> paragraph of the Office Action). However, Almy does not disclose putting multiple copies of instrumentation code in one loop.

Hull, on the other hand, discloses a method for measuring the usage of a focus resource by a target program. Examiner references Hull col. 6, ll. 55-67 and states: “*The fact that the overhead ticks is available for subtraction shows the overhead ticks is measured independently by measuring the calls to the clock, which is the profiling instrumentation code.*” (see page 6, 1<sup>st</sup> paragraph of the Office Action). However, the overhead clock ticks as measured in Hull are not

associated with instrumentation code, and the instrumentation code is more than a simple call to the clock (see Fig. 4 of the instant application showing an exemplary instrumentation code).

**Proposed Amendment**

1           1. (Currently Amended) A method for performing time measurements  
2 during instrumentation-based profiling, comprising:  
3           measuring an overhead time, wherein the overhead time is the time  
4 required to execute profiling instrumentation code in isolation measured through a  
5 calibration procedure, ~~and~~ wherein the calibration procedure involves executing  
6 the instrumentation code in a loop for a number of times, and wherein multiple  
7 copies of the instrumentation code are included in the loop;  
8           receiving a code to be profiled;  
9           inserting the profiling instrumentation code in the code;  
10          executing the code including the instrumented portions of the code;  
11          measuring a time for executing the code including the instrumented  
12 portions of the code; and  
13          subtracting the overhead time from the measured time to obtain the time  
14 for the code to be profiled.

Respectfully submitted,

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